

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application in view of the following remarks and the telephonic interview conducted on June 15, 2005. Claims 1, 9, 17, 25, 33, 41 and 50 are amended hereby. Claims 1-54 remain pending and at issue, with claims 1, 9, 17, 25, 33, 41 and 50 being independent. It is believed that no additional fees are due for entry of this amendment. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855. A copy of this paper is enclosed.

Applicant's Interview Summary

On June 15, 2005, Applicant's attorney, Scott E. Baxendale, conducted a telephonic interview with Examiner Skaarup and Primary Examiner John Hotaling regarding the present application and the Examiner's bases for rejection of the pending claims in view of Schneider et al. (U.S. Patent No. 6,089,976), either alone or in combination with other references. In particular, the parties discussed the independent claims and Schneider *et al.*'s failure to disclose or suggest dispensing a bonus payout and not a currency payout from a main gambling game in response to a bonus payout dispensing selection by a user of the electronic gambling unit, and adding the bonus payout to the user's available credits where such a selection by the user is not detected. Mr. Baxendale asserted that Schneider *et al.* contains no disclosure of user selection regarding the dispensing of a bonus payout, and pointed out that Schneider *et al.* provides no disclosure of any selection occurring, either by the user or by the gaming unit, in those portions of the reference that discuss incrementing a credit meter or directly paying a bonus award to the player.

Examiner Skaarup reasserted the position set forth in the Office Action that actuation of the credit release 37 discussed at column 5, lines 27-30 causes coins or tokens to be released to an award dispenser 38. Mr. Baxendale responded that Schneider *et al.* provides no disclosure of the structure of the credit release 37, let alone that the credit release 37 may be used by the user to elect whether to receive a bonus payout or increment a credit meter. Mr. Baxendale further pointed out that the credit release 37 was shown separately from the input devices (push buttons 26) of the gaming machine 10 in the block diagram at Fig. 6, further suggesting that the credit release 37 is not an input device allowing the user to input a bonus payout selection as recited in the claims. Examiner Skaarup admitted that the

Schneider *et al.* references should not be “a 102 reference,” i.e. an anticipatory reference, for the claims, that Schneider *et al.* does not show user selection or intervention in dispensing the bonus payout, and that he may have read Schneider *et al.* too broadly. Examiner Skaarup further indicated that he would search for additional references regarding such user selection upon receiving the Applicant’s response to the Office Action, but did not withdraw the present rejections during the interview.

Mr. Baxendale and the applicant again thank Examiner Skaarup and Examiner Hotaling for their time and consideration in granting this telephonic interview.

Amendments to the Claims

It is respectfully submitted that the claims as amended above are supported by the application as originally filed in the Patent Office on January 16, 2001. Independent claims 1, 9, 17, 25, 34 and 41 are amended to delete “player” and substitute “user” therefore, with the latter term finding proper antecedent basis within each of the independent claims. Independent claim 50 is amended to more clearly recite that dispensing of the bonus payout and not the currency payout occurs if the user inputs an immediate bonus payout selection. As previously presented, the claim appeared to lack proper antecedent basis for “the immediate bonus payout,” thereby necessitating the present amendment. This amendment to claim 50 is supported in the specification as originally filed at least in Fig. 11 at block 364, 366, 368, and the block reciting “return to main game” and in the accompanying text at page 17, line 17 through page 18, line 13. The specification discloses, *inter alia*, that bonus game credits may be dispensed independently from other credits based on user preference information input, for example, at an input device or via a player tracking system. Therefore, Applicant respectfully submits that the amendments to claims 1, 9, 17, 25, 34, 41 and 50 do not present new matter or raise new issues.

Response to Claim Rejections

In the Office Action dated April 25, 2005, claims 1, 2, 7, 9, 10, 15, 17, 18, 23, 25, 26, 31, 33, 34, 39 and 50 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Schneider *et al.* (U.S. Patent No. 6,089,976). Claims 41 and 46 stand rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Schneider *et al.* Claims 48 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider *et al.* Claims 3-5, 11-13, 19-21, 27-29, 35-37, 42-44, 51,

52 and 53 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Schneider *et al.* in view of Walker *et al.* (U.S. Patent No. 6,110,041). Claims 6, 14, 22, 30, 38, 45 and 54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider *et al.* in view of Burns *et al.* (U.S. Patent No. 6,048,269) and Saunders *et al.* (U.S. Patent No. 6,340,331 B1). Claims 8, 16, 24, 32, 40 and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schneider *et al.* in view of Adams (U.S. Patent No. 6,113,098). Applicant respectfully traverses the rejections of claims 1-54 and respectfully submits that claims 1-54 as amended herein would not be properly rejectable over the applied references for the following reasons.


As discussed with the Examiners during the telephonic interview, and as acknowledged by Examiner Skaarup during the interview, Schneider *et al.* does not teach or suggest user selection or intervention to determine whether a bonus payout, and not a currency payout for a main gambling game, is dispensed to the user or added to the available credits for the user. Schneider *et al.* discloses dispensing a bonus amount or incrementing a credit meter, but does not disclose that both options are available in the same gaming machine, or that a selection is made at the gaming machine between dispensing an award or increment a credit meter, either by the gaming machine itself or by a user. The credit release 37 referenced by the Examiner does not provide a mechanism allowing the user to make such a selection. Schneider *et al.* discloses only that the "credit release 37 releas[es] coins or tokens to an award dispenser 38." Schneider *et al.*, column 5, lines 28-29. There is no disclosure or suggestion that the credit release 37 is an input device manipulated by the player, or the credit release 37 releases coins in response to a payout selection made by a user. As pointed out during the interview, Schneider *et al.* actually teaches away from the credit release 37 being an input device by illustrating the credit release 37 separately from the other input devices (push buttons 26) in Fig. 6. Consequently, Schneider *et al.* does not disclose or suggest a bonus payout dispensing selection by a user as recited in the claims. Moreover, the other references cited in combination with Schneider *et al.* also do not appear to disclose or suggest a bonus payout dispensing selection by a user and, therefore, are not properly combined with Schneider *et al.* to render claims 1-54 invalid.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance thereof are respectfully requested. Should the Examiner wish to

discuss the foregoing or any matter of form in an effort to advance this application towards allowance, he is urged to telephone the undersigned at the indicated number.

Dated: July 25, 2005

Respectfully submitted,

By 

Scott E. Baxendale

Registration No.: 41,605

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant